

April 23, 2018

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Via ECF

Hon. Mae A. D'Agostino, U.S. District Judge
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

Re: *Roy Campbell v. Synchrony Bank*
USDC – Northern District of New York Case No. 1:17-cv-00080-MAD-DJS

Dear Hon. Mae A. D'Agostino:

On behalf of defendant Synchrony Bank (“Synchrony”), we write respectfully to request that the deadline to serve a responsive pleading to the First Amended Class Action Complaint (“Amended Complaint”), be continued from April 26, 2018 to a date after the Court’s ruling on a forthcoming motion to transfer this case to the United States District Court for the Western District of North Carolina. As the Court is aware, this case was stayed pending the decision of the United States Court of Appeals for the D.C. Circuit in ACA Int’l v. Fed. Comm’n. Comm’n, Case No. 15-1211 (“ACA Int’l”). On March 16, 2018, the D.C. Circuit Court issued its opinion in ACA Int’l. Synchrony filed a status update with the Court on March 23, 2018, and the Court thereafter set a status conference for April 5, 2018. At the status conference, Judge Stewart set the deadline for Synchrony to respond to the Amended Complaint for April 26, 2018, and an Order issued on April 6, 2018.

As this Court further is aware, in addition to this case, there currently are two additional putative class actions pending against Synchrony Bank relating to the same subject matter as this case:

- Curtis Neal v. Wal-Mart Stores, Inc. and Synchrony Bank, U.S. District Court, W.D.N.C., Case No. 3:17-CV-00022, , filed on January 17, 2017 (“Neal”); and
- Barbara Mott v. Synchrony Bank, U.S. District Court, M.D. Fla., Case No. 8:18-cv-00275, filed on Feb. 2, 2018 (“Mott”).

Between April 5, 2018 and today, the following has occurred in the aforementioned cases:

- On April 5, 2018, plaintiff Roy Campbell (“Plaintiff”) filed a non-party motion to transfer Mott from the United District Court for the Middle District of Florida to this Court.

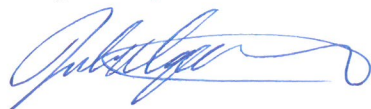
Plaintiff withdrew that motion on April 20, 2018 in light of Ms. Mott's filing of a motion to transfer Mott to the United District Court for the Western District of North Carolina.

- On April 19, 2018, Ms. Mott filed a motion to transfer Mott to the United District Court for the Western District of North Carolina because she learned that Neal was filed prior to Mott ("Mott Motion to Transfer").
- In the Mott Motion to Transfer, plaintiff's counsel in Mott ("Mott Counsel") indicated that they and plaintiff's counsel in Neal ("Neal Counsel") were in contact with Plaintiff's counsel in this action ("Campbell Counsel") to determine if Plaintiff will also agree to transfer this action to the United District Court for the Western District of North Carolina. Synchrony is informed and believes that discussions are ongoing. The Mott Motion to Transfer indicates that Mott Counsel and Neal Counsel will jointly move to transfer this action to the United District Court for the Western District of North Carolina should Plaintiff not agree to the transfer.
- On April 23, 2018, a status conference was held in Neal (which, similar to this case, also was stayed pending a decision in ACA Int'l). Neal Counsel informed the Court of pendency of this action and Mott, and indicated that they are seeking a transfer of the two cases to the Neal Court. Counsel for defendants requested that the Court defer entry of a case management order in light of the outstanding transfer requests by the various plaintiffs. The Court entered a stay of the proceedings for an additional 60 days pending a determination on the transfer issues in Mott and this Court.

In light of the potential transfers of these cases to a single court, counsel for Synchrony requested from Campbell Counsel an extension to respond to the Amended Complaint, pending a ruling on the motions on April 16, 2018. On April 18, 2018, Mr. Taylor indicated that he would not consent to the request at that time, but he may change his mind in a few days. Counsel for Synchrony again asked Campbell Counsel on April 23, 2018. Campbell Counsel responded on the same day that Plaintiff does not consent to the request.

In the interest of efficiency and conservation of the parties' and the Court's resources, Synchrony therefore requests that the deadline to respond to the Amended Complaint be continued, pending resolution of the transfer motions.

Respectfully submitted,



Julieta Stepanyan

JS:sa